101ST CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPT. 101-119
Part 1

OCEAN AND COASTAL PROGRAMS AUTHORIZATION ACT OF 1989

JUNE 29, 1989.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 1668]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 1668) to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration during fiscal year 1990, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989."

SEC. 2. NATIONAL OCEAN SERVICE.

(a) MAPPING, CHARTING, AND GEODESY.—There are authorized to be appropriated to the Department of Commerce for carrying out mapping, charting, and geodesy activities of the National Oceanic and Atmospheric Administration (including geodetic data collection and analysis) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $47,092,000 for fiscal year 1990.

(b) OBSERVATIONS AND ASSESSMENTS.—There are authorized to be appropriated to the Department of Commerce for carrying out observation and assessment activities of the National Oceanic and Atmospheric Administration—

(1) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $48,170,000 for fiscal year 1990;

(2) under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.), not more than $4,000,000 for fiscal year 1990; and

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(3) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), not more than $14,500,000 for fiscal year 1990.

(c) OCEAN AND COASTAL MANAGEMENT.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and coastal management activities of the National Oceanic and Atmospheric Administration under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), the Costal Zone Management Act (33 U.S.C. 1451 et seq.), the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), and any other law involving those activities, not more than $59,623,000 for fiscal year 1990.

SEC. 3. OCEANIC AND ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY PROGRAMS.—There are authorized to be appropriated to the Department of Commerce for carrying out climate and air quality research activities of the National Oceanic and Atmospheric Administration authorized under any law involving those activities, not more than $55,473,000 for fiscal year 1990.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Department of Commerce for carrying out atmospheric research activities of the National Oceanic and Atmospheric Administration authorized under any law involving those activities, not more than $42,159,000 for fiscal year 1990.

(c) OCEAN AND GREAT LAKES PROGRAMS.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and Great Lakes research activities of the National Oceanic and Atmospheric Administration under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and any other law involving those activities, not more than $100,000,000 for fiscal year 1990, including not more than $3,615,000 for use for establishing and operating the Great Lakes Research Office, which shall be located at the Great Lakes Environmental Research Laboratory in Ann Arbor, Michigan.

(d) OYSTER DISEASE RESEARCH.—Pursuant to section 206 of the National Sea Grant College Program Act (33 U.S.C. 1131(b)(3)), $3,000,000 may be appropriated for priority oyster disease research in fiscal year 1990.

SEC. 4. PROGRAM SUPPORT.

(a) ADMINISTRATION AND SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out executive direction and administrative activities of the National Oceanic and Atmospheric Administration (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.), and any other law involving those activities, not more than $76,954,000 for fiscal year 1990.

(b) FACILITIES.—There are authorized to be appropriated to the Department of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration under any law involving those activities, not more than $750,000 for fiscal year 1990.

(c) MARINE SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out marine services activities of the National Oceanic and Atmospheric Administration (including ship operations, maintenance, and support) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $71,960,000 for fiscal year 1990.

(d) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out aircraft services activities of the National Oceanic and Atmospheric Administration (including aircraft operations, maintenance, and support) under the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving those activities, not more than $8,446,000 for fiscal year 1990.

SEC. 5. REQUIREMENT OF NOTICE OF REPROGRAMMING.

The Secretary of Commerce shall not reprogram an amount appropriated under the authority of this Act unless, before carrying out that reprogramming, the Secretary provides notice of that reprogramming to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

PURPOSE OF THE BILL

The purpose of H.R. 1668 is to authorize fiscal year 1990 appropriations for ocean and coastal programs at the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. The bill, as amended, authorizes National Ocean Service programs: mapping, charting, and geodesy; observation and assessment; and ocean and coastal management (including marine sanctuaries, deep seabed mining, and coastal zone management). The bill also authorizes oceanic and atmospheric research within the jurisdiction of the Committee on Merchant Marine and Fisheries, which includes Sea Grant, the Great Lakes Environmental Research Laboratory, undersea research, and global change reseach. Finally, the bill authorizes program support activities (including agency administration, facility maintenance and construction, fleet operations and maintenance, and aircraft operations).

The bill also seeks to improve Committee oversight by requiring the Secretary of Commerce to notify the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate, of the reprogramming of funds appropriated under this Act.

H.R. 1668 is intended to set funding baselines and establish comprehensive budgetary priorities for ocean and coastal programs. The bill addresses a myriad of budgetary inadequacies including late submission of budget data and failure to advise authorizing committees of reprogrammings. This will enable the authorizing committees to participate in a meaningful manner with the Executive Branch in the budget process.

BACKGROUND AND NEED FOR LEGISLATION

NOAA was created by the President's Reorganization Plan Number 4 of 1970, consolidating many of the Nation's civil programs related to the oceans and atmosphere. The Committee on Merchant Marine and Fisheries authorizes numerous ocean and coastal activities of NOAA. These authorizations are conveyed through individual statutes such as the Coastal Zone Management Act, the Sea Grant College Program Act, and the Marine Protection, Research, and Sanctuaries Act. However, the bulk of NOAA's ocean and coastal programs are conducted pursuant to general authorizations and the specific details of these programs are determined administratively rather than legislatively. Effective congressional oversight of these agency programs has been very difficult.

H.R. 1668 provides a consolidated authorization for all of NOAA's ocean and coastal programs; this includes both individually authorized and administratively determined programs.

H.R. 1668 represents the first time that the Committee has reported consolidated authorizing legislation for NOAA's ocean and

coastal programs. This comprehensive view of NOAA programs and missions will assist the Committee in responding to the severe funding reductions in NOAA programs proposed by the Administration.

The President's fiscal year 1990 budget request was used as a starting point in developing this bill. However, most of the authorizations in the bill are equivalent to the fiscal year 1989 appropriation level with an inflationary increase of four percent. Where programs have been authorized for fiscal year 1990 by previously enacted legislation, such as the National Sea Grant College Program, these levels are used instead. Most of these levels are significantly higher than the fiscal year 1989 appropriations for these programs. Table I provides a detailed outline of the programs and activities which are authorized by this legislation.

Table I.—H.R. 1668; Authorized Funding Levels for Major Activities and Selected Programs and Projects

[In thousands of dollars]

National Ocean Service:	
Mapping, charting, and geodesy	[1] 47,092
Vertical control	[2] 3,244
Great Lakes mapping	[2] 100
Observations and assessments	[1] 66,670
Circulatory program	[2] 777
Ocean services	[2] 7,262
Estuarine and coastal assessments	[2] 14,708
Coastal ocean science	[2] 12,500
Resource damage assessments	[2] 750
Title II/MPRSA (includes $1,500 for Great Lakes pollutant inventory)	[2] 14,500
NOPPA	[2] 4,000
Ocean and Coastal management	[1] 59,623
CZM State grants	[2] 40,600
CZM interestate grants	[2] 1,500
CZM program management	[2] 4,000
Estuarine research reserves	[2] 5,500
Marine sanctuaries	[2] 4,900
DSHMRA	[2] 1,525
Total National Ocean Service	173,385
Oceanic and atmospheric research:	
Climate and air quality research	[1] 55,473
TOGA	[2] 5,500
Climate and global change research	[2] 20,000
Atmospheric programs	[1] 42,159
Ocean and Great Lakes programs	[1] 100,000
GLERL	[2] 4,772
GLRO	[2] 3,615
VENTS	[1] 1,695
FOCI	[2] 3,000
Sea grant	[2] 64,000
NURP	[2] 14,285
Total oceanic and atmospheric research	197,632
Program support:	
Administration and services	[1] 76,954
Fiscal year 1989 pay raise	[2] 13,000
Facilities	[1] 750
Marine services	[1] 71,960
23 ships/3,990 days at sea	[2] 59,910
S.E. marine support facility	[2] 282
Fleet rehabilitation	[2] 9,000

Aircraft services	[1] 8,446
Total program support	158,110
Total ocean and coastal authorization	529,127

[1] Represents totals for each activity (e.g., mapping, charting, and geodesy) and for each agency division (e.g., National Ocean Service), and are adjusted to include an increase of four percent for inflation, which is assumed to be spread evenly to each constituent program, project or activity.

[2] Represents selected constituent parts of the corresponding total.

COMMITTEE ACTION

Mr. Hertel, along with Mr. Jones, Mr. Davis, and Mr. Shumway, introduced H.R. 1668 on April 4, 1989. The bill was referred to the Committee on Merchant Marine and Fisheries. Within the Committee, the bill was referred jointly to the Oceanography Subcommittee and the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

The Oceanography Subcommittee met on April 5, 1989, to mark up H.R. 1668. At the markup, Mr. Hertel offered an amendment which added authorizations for the National Ocean Pollution Planning Act, Title II of the Marine Protection, Research and Sanctuaries Act, and the Deep Seabed Hard Minerals Resources Act. The Subcommittee adopted the amendment by voice vote and ordered the bill, as amended, reported to the Full Committee.

On April 18, 1989, after the Subcommittee on Fisheries and Wildlife Conservation and the Environment agreed to be discharged from further consideration of the bill, the Full Committee took up consideration of H.R. 1668, as amended by Mr. Hertel in Subcommittee. Mr. Hertel offered a substitute amendment which expanded the legislation to encompass all NOAA ocean and coastal programs, except fisheries programs. Specifically, the amendment authorized appropriations for Oceanic and Atmospheric Research (OAR) and Program Support. The Full Committee approved the Hertel substitute by voice vote, after agreeing to an amendment offered by Mr. Dyson which earmarked authorized Sea Grant funds for research on oyster diseases. The bill, as amended, was reported to the House by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides a short title, the National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989.

Section 2 of H.R. 1668 provides funding for the National Ocean Service (NOS), one of the five line officers within the National Oceanic and Atmospheric Administration (NOAA). The NOS budget is divided into three activities: Mapping, Charting, and Geodesy; Observation and Assessment; and Ocean and Coastal Management.

The President's 1990 budget request for the NOS Mapping, Charting, and Geodesy activity was $44,981,000. This includes funding for NOAA's hydrographic surveys, the next generation automated nautical charting system, and basic geodesy work. In H.R. 1668, the Committee provides a total of $47,092,000 for this activity, which includes authorization for the Vertical Control Network ($3,244,000) and Great Lakes Mapping ($100,000).

Subsection (b) authorizes $48,170,000 for NOAA's Observation and Assessment activity. Under this authority, NOAA takes oceanographic and meteorological ocean measurements and compiles and disseminates the resulting data. NOAA also conducts monitoring and research programs to determine human effects on the marine and coastal environment. This information provides a scientific basis for Federal decisions associated with the protection, development, and use of ocean and Great Lakes resources.

The $48,170,000 authorization includes the Circulatory Program ($777,000); Ocean Services ($7,262,000); and Estuarine and Coastal Assessments ($14,708,000). The Committee anticipates that, of the funds authorized for Ocean Services, NOAA will expand its ocean services data network by providing necessary hardware and support for existing facilities in Narragansett, Rhode Island, and Beaufort, North Carolina. In addition, the Committee authorizes $750,000 to fund NOAA's natural resources damage assessment work. Under current law, up-front funds are not available from the Superfund or the Clean Water Act Section 311(k) Fund to conduct these assessments, which are the basis for fulfilling NOAA's trustee responsibilities for marine resources under these Acts.

The Committee is encouraged by the Administration's proposal for a $12,400,000 Coastal Ocean Science program under the Observation and Assessment activity. The focus of this program will be on environmental quality, fisheries productivity, and coastal hazards (e.g., storms, erosion). Existing NOAA activities will be enhanced and coordinated to produce scientific information to aid in the prediction of environmental change. The Committee supports this effort and expects it to result in better integration of science and coastal management decisionmaking.

Two other programs authorized by separate law are funded under subsection (b): $4,000,000 for the National Ocean Pollution Planning Act (33 U.S.C. 1701–1709); and $14,500,000 for title II of the Marine Protection, Research, and Sancturaries Act of 1972 (33 U.S.C. 1441–1445). The Committee intends that of the funds appropriated to NOAA under title II, $500,000 will be used for pollution monitoring and research work at the 106-mile ocean dumping site. This interim, one-time-only funding is necessary to cover a two-month shortfall in funds provided for NOAA's responsibilities under section 104B of the Ocean Dumping Act (33 U.S.C. 1414b, added by Public Law 100–688). In addition, under the terms of Public Law 100–627, $1,500,000 of the $14,500,000 authorized for title II must be used to compile a Great Lakes pollutant inventory.

Under the Ocean and Coastal Management activity, NOS primarily oversees three statutory programs: the Coastal Zone Management Act of 1972 (16 U.S.C 1451–1464), the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401–1473), and title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431–1439). The President's request, at $6,331,000, provides no funds for state grants under the Coastal Zone Management Act (CZMA), which are authorized at $40,600,000 for FY 1990. The President has, likewise, requested no funds for interstate grants under CZMA, which are authorized at $1,500,000 Coastal Zone management administration is authorized at $4,000,000. The Committee directs that a portion of these funds must be used to pre-

pare a report to Congress exploring how nonpoint pollution control techniques (including buffer zones, contour grading, dry wells, retention basins, in-line storage and screens, subsurface detention, infiltration trenches, and porous pavement) can be encouraged under the Coastal Zone Management Act. In compiling this report, the Under Secretary shall consult with the Administrator of the Environmental Protection Agency, and shall include, as an addendum to the report, any comments or recommendations received by the Administrator. This report shall be submitted to the Committee no later than January 1, 1990.

In addition, the bill provides authorization for the National Estuarine Reserves ($5,500,000), and National Marine Sanctuaries ($4,900,000) programs. These authorizations are identical to authorization levels provided in separate statutes.

Section 3 authorizes funding for Oceanic and Atmospheric Research (OAR). This function contains three general program areas: Climate and Air Quality Programs; Atmospheric Programs; and Ocean and Great Lakes Programs.

The NOAA program in Climate and Air Quality Research is authorized in subsection (a) at $55,473,000. It includes major components of the emerging U.S. Global Change Research Program. The Tropical Oceans-Global Atmosphere [TOGA] is authorized at a total level of $5,500,000. The NOAA program in Climate and Global Change Research is authorized at a level of $20,000,000 (which includes $3 million of the authorized funds for TOGA). The Committee a vigorous program in Climate and Global Change Research and applauds NOAA's leadership in this area. However, the Committee is concerned that NOAA is not playing a key role in some important areas of the emerging U.S. Global Change Research Program.

For instance, the January 1989 report by the Committee on Earth Sciences ("Our Changing Planet: A U.S. Strategy for Global Change Research"), outlines Ecological Systems and Dynamics as a major area of focus for research. NOAA is not identified as conducting any focused research in this important area. This is a matter of grave concern to the Committee, because NOAA has major responsibilities for managing ocean and coastal ecosystems and resources (e.g., fisheries, estuaries, and wetlands) which are expected to be adversely affected by global climate change. NOAA, working through the Committee on Earth Sciences, is directed to remedy this obvious deficiency in the U.S. Global Change Research Program. The Committee expects a report on progress in this area no later than January 1, 1990.

Another area of interest to the Committee is the role of the world's oceans in moderaing and driving global climate change. The oceans have been identified as perhaps the most significant gap in our ability global changes. The Committee expects NOAA to play the lead role in identifying these gaps and, by working within the Committee on Earth Sciences, to ensure adequate funding of research programs to resolve these uncertainties. The Committee expects that the fiscal year 1991 budget for the U.S. Global Research Program will identify long-term oceanic research priorities and outline a strategy to fulfill those priorities.

Subsection (b) authorizes NOAA's Atmospheric Programs at a level of $42,159,000. The Committee had not authorized the use of any atmospheric program funds for construction of facilities. All construction and maintenance of facilities is authorized separately under section 4.

Ocean and Great Lakes Programs are authorized by subsection (c) at a level of $100,000,000. This level accommodates funding of several important program elements: Sea Grant ($64.0 million); National Undersea Research Program $14,285,000, and the Great Lakes Environmental Research Laboratory ($4,772,000. In addition, the bill authorizes $3,615,000 for the NOAA Great Lakes Research Office. This office, established under Section 118(d) of the Federal Water Pollution Control Act (33 U.S.C. 1268(d)), is an adjunct to the Great Lakes National Program Office operated by the Environmental Protection Agency. The subsection requires that the office be co-located with NOAA's only existing Great Lakes facility—the Great Lakes Environmental Research Laboratory, in Ann Arbor, Michigan. Colocation of these facilities minimizes the funding required to establish and operate this new office and promotes more effective coordination and collaboration between these two NOAA offices. These objectives are specially important in times of scarce agency resources. The Committee directs that the office be established no later than 30 days after enactment.

Section 4 of H.R. 1668 provides funding for Program Support for NOAA. A total of $158,110,000 is authorized for this activity which includes four types of program support: Administration and Services, Facilities, Marine Services, and Aircraft Services. As with the rest of the bill, the Committee began with the President's fiscal year 1990 budget request, added request monies for restoration of programs and services which, in the Committee's view, need to be funded, and provided an inflation factor of four percent.

Subsection (a) authorizes $76,954,000 for Administration and Services, including management, administrative support, retirement pay for NOAA Corps officers, and policy development. This figure includes the $60,994,000 requested by the President plus a restoration of $13,000,000 to cover the full cost of the mandated fiscal year 1989 pay raise.

Subsection (b) authorizes $750,000 for acquisition, construction, operation and maintenance of NOAA's facilities. This figure reflects a reduction of $3,361,000 that the Presidents fiscal year 1990 Budget had requested for further consolidation of NOAA facilities in the Washington, D.C., area at Silver Spring, Maryland. The Committee intends that no further consolidation should take place at this time because NOAA has not justified the move economically to the Committee's satisfaction and because the move takes money away from important NOAA programs at a time when they can least withstand further cuts. Therefore, the Committee expects that no other appropriated funds should be used for this purpose.

Subsection (c) authorizes $71,960,000 for Marine Services, including ship operations, maintenance and support. This figure includes a restoration of $15,557,000 for the NOAA fleet and related facilities.The Committee intends that NOAA should use $6,275,000 of this restoration to maintain the full NOAA fleet of 23 ships, including 3,990 days at sea. The Committee considers that NOAA's

program requirements fully justify the maintenance of this size fleet and therefore rejects the President's proposal to lay up six more ships and reduce days at sea on seven additional ships. The Committee also intends that the full amount authorized by this subsection should be used for marine services and not used for other purposes. The Committee laments previous reductions in this item by NOAA management. These cuts will only hurt NOAA's efforts in global climate and oceanographic research, fisheries assessments, and hydrographic surveys for coastal nautical charting.

In addition, the restoration contains $9,000,000 to rehabilitate two NOAA ships. This amount is a start towards NOAA's modernization and expansion of its entire fleet, which is rapidly facing block obsolescence. The Committee will address in separate legislation the need for NOAA to develop and implement a long-term fleet upgrade and replacement plan. Since the authorization restores funding for the full fleet, the Committee also directs NOAA to keep open the Southeast Marine Support Facility in Miami, Florida, which supports the ship and laboratories in that area.

Subsection (d) authorizes $8,446,000 for Aircraft Services, including operation, maintenance and support of two hurricane tracking aircraft. This figure reflects the President's budget request plus the four percent inflation factor. The Committee appreciates the President's recognition of the importance of maintaining these aircraft for the safety of our citizens living in coastal regions. The Committee will examine separately whether additional funds need to be authorized for NOAA to operate, or for the Air Force to continue to operate, hurricane tracking aircraft now operated by the Air Force but proposed for reduction in the President's fiscal year 1990 budget for the Department of Defense.

Section 5 of H.R. 1668 requires the Secretary of Commerce to provide notice of any reprogramming of funds authorized by this Act to the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate.

The Committee has become increasingly disturbed that NOAA has failed to provide the Committee with timely notification of major reallocations of funding by reprogramming at NOAA. This section responds, in part, to a March 16, 1989, reprogramming proposal by the Commerce Department in which NOAA advised the Appropriations Committees that a $21,000,000 shortfall in the National Weather Service would be met by programming $16,455,000 from other NOAA sources. This amounted to a 7.4 percent across-the-board cut of Congressionally authorized Ocean and Coastal Programs at NOAA. The Committee did not receive official notification of the reprogramming proposal for more than two weeks. Since the overall intent of this legislation is to promote comprehensive budgetary oversight and to establish programmatic goals for the agency, the authorizing committees must receive current, accurate budget information.

COST OF THE LEGISLATION

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the Committee estimates the total cost of this leg-

islation to the Federal Government is $529,127,000. The Committee accepts the estimates of the Congressional Budget Office for outlays included in this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Commttee estimates that the enactment of H.R. 1668 would have no significant inflationary impact on the economy.

COMPLIANCE WITH CLAUSE 2(l)(3) OF RULE XI

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives:

(A) The Subcommittee on Oceanography held hearings on the proposed fiscal year 1990 budget for the National Oceanic and Atmospheric Administration on March 7, 1989.

(B) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Govenment Operations of oversight findings and recommendations arrived at pursuant to clause 4(c)(2) of rule X of the Rules of the House of Representatives.

(C) The Director of the Congressional Budget Office has furnished the Committee with a report fulfilling the requirements of section 308(a) of the Congressional Budget Act of 1974 and an estimate and comparison of cost of H.R. 1668 pursuant to section 403 of the Congressional Budget Act of 1974. The report reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached revised cost estimate for H.R. 1668, the National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1668.

2. Bill title: National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989.

3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, April 18, 1989.

4. Bill purpose: H.R. 1668 would authorize appropriations for fiscal year 1990 to the National Oceanic and Atmospheric Administration. The bill would authorize a total of $529 million, of which $173 million would be for the National Ocean Service, $198 million would be for oceanic and atmospheric research, and $158 million would be for program support.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Authorization level	529				
Estimated outlays	360	132	26	11	

The costs of this bill would be in budget function 300.

Basis of estimate: The estimate assumes that the full amount authorized would be appropriated for fiscal year 1990. The estimated outlays are based on historical spending patterns.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 11, 1989, CBO prepared an estimate for this bill, but had not been provided with the amendment adopted by the committee. This estimate reflects the effects of the committee amendment.

9. Estimate prepared by: Michael Sieverts.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

DEPARTMENTAL REPORTS

The Committee on Merchant Marine and Fisheries received an unfavorable report from the Department of Commerce on April 18, 1989. No other reports have been received on H.R. 1668.

GENERAL COUNSEL,
DEPARTMENT OF COMMERCE,
Washington, DC, April 18, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Commerce has reviewed H.R. 1668, as amended, a bill entitled, "The Ocean and Coastal Programs Authorization Act of 1989," and the following are our views on the bill.

H.R. 1668 would authorize appropriations for certain programs in the National Ocean Service and the Office of Oceanic and Atomospheric Research of the National Oceanic and Atmospheric Administration (NOAA). It also would reauthorize appropriations for titles II and III of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA) (Pub. L. No. 92–532) and the National Ocean Pollution Planning Act of 1978 (NOPPA) (Pub. L. No. 95–273).

The Department of Commerce opposes H.R. 1668 unless it is amended consistent with the Administration's fiscal year 1990 budget.

Section 2 of H.R. 1668 would reauthorize NOAA's mapping, charting and geodesy activities at a level of $47.092 million for fiscal year 1990. The duties include aeronautical and nautical mapping and charting activities and geodetic data collection and analysis. The Department opposes section 2 unless it is amended to in-

clude the funding level in the Administration's fiscal year 1990 budget for these activities, which is $44.981 million.

Section 3, as amended, would reauthorize NOAA's observation and assessment activities at a level of $65.92 million for fiscal year 1990. Under observation and assessment functions, NOAA compiles marine observations and develops predictions for the safe use of the oceans, coasts and Great Lakes. Section 3 would authorize appropriations of $47.42 million for activities under an act defining functions of the Coast and Geodetic Survey (33 U.S.C. 883a–i); $14 million for activities under the National Ocean Pollution Planning Act of 1978; and $4.5 million for activities under title II of the MPRSA. Under NOPPA, NOAA prepares and periodically revises five-year plans for Federal ocean pollution research, monitoring and coordination. Under title II of the MPRSA, NOAA conducts research on the long-term effects of pollutants in the ocean. The total proposed funding level exceeds the $40.333 million included in the Administration's fiscal year 1990 budget for observation and assessment activities. The Department therefore opposes section 3 unless the funding levels for the programs are amended consistent with the Administration's fiscal year 1990 budget.

Section 4, as amended, would reauthorize certain ocean and coastal management programs, including title III of the MPRSA, the Coastal Zone Management Act (CZMA), the Deep Seabed Hard Mineral Resources Act and any other law involving similar duties at a level of $59.623 million for fiscal year 1990. Again, the level included in the Administration's fiscal year 1990 budget is $6.331 million.

The Administration's funding level proposes a reduction in the CZM program. The CZM program was established in 1972 to assist States in developing the capability to manage their coastal resources. The program was not intended to provide continuing support for States' programs. The CZM program has achieved its goal by successfully developing the infrastructure for States to manage their coastal resources. The Department therefore opposes section 4 unless the funding level for each program is amended consistent with the funding levels included in the Administration's fiscal year 1990 budget.

The President's fiscal year 1990 budget proposes a comprehensive ocean and coastal program that avoids funding unnecessary programs at a time of fiscal constraint. The program reflects the Department of Commerce's concern about ocean and coastal pollution and coastal zone management as well as coastal mapping and geodesy. The Department intends to commit the full and substantial resources of NOAA to assist in cleaning up our coastal waters and protecting our resources. Unless H.R. 1668 is amended to include the amounts proposed for the above-referenced programs in the Administration's fiscal year 1990 budget, the Department opposes its enactment.

The Office of Management and Budget has advised us there is no objection to submission of this letter to the Congress from the standpoint of the Administration's programs.

Sincerely,

MICHAEL A. LEVITT,
Acting General Counsel.

CHANGES IN EXISTING LAW

H.R. 1668 makes no changes in existing law.

ADDITIONAL CORRESPONDENCE

The Committee received the following letter on H.R. 1668 from the chairman of the Committee on Foreign Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Washington, DC.

DEAR MR. CHAIRMAN: On March 31, 1989, the Secretary of Commerce transmitted proposed legislation in Executive Communication 957 to the Speaker of the House regarding reauthorization of the Deep Seabed Mineral Resources Act for FY 1990, FY 1991 and FY 1992. On April 10, the Speaker's office referred the proposed legislation jointly to the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Foreign Affairs.

I understand that during your Committee's recent consideration of H.R. 1668, the National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989, Cong. Hertel, Chairman of the Subcommittee on Oceanography, amended H.R. 1668 by calling for a one year authorization of the Deep Seabed Hard Minerals Resource Act. I also understand that in Report language on the bill, your Committee refers specifically to $1.525 million to be authorized to be appropriated to the Deep Seabed Hard Minerals Resource program.

Although the Committee on Foreign Affairs has jurisdiction over certain aspects of the Deep Seabed Hard Minerals Resource Act, the Committee is willing to waive its right to request jurisdiction on H.R. 1668, as amended, in order to avoid delay in House consideration of this bill. Therefore, without prejudice to the jurisdiction of the Committee on Foreign Affairs in this area, the Committee has no objection to this bill being considered by the House as reported from your Committee.

We would request that this correspondence be included in the Committee's report on this legislation.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL, *Chairman.*

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